Washington, Saturday, August 8, 1959

## Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 177]

## PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIG-NATED PART OF CALIFORNIA

Limitation of Handling

§ 922.477 Valencia Orange Regulation 177.

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order. as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to con-

sider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1959.

(b) Order. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1959, and ending at 12:01 a.m., P.s.t., August 16, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 7, 1959.

FLOYD F. HEDLUND, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6627; Filed, Aug. 7, 1959; 11:26 a.m.]

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[Lemon Reg. 804]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### **Limitation of Handling**

§ 953.911 Lemon Regulation 804.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circum-stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was

held on August 5, 1959.
(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1959, and ending at 12:01 a.m., P.s.t., August 16, 1959, are hereby fixed

as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.(2) As used in this section, "handled,"

"District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1959.

FLOYD F. HEDLUND, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6613; Filed, Aug. 7, 1959; 9:12 a.m.]

## PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

Expenses of Dried Fig Administrative Committee for 1959–60 Crop Year and a Rate of Assessment for Such Crop Year

Notice was published in the July 28, 1959, issue of the Federal Register (24 F.R. 6005) that, pursuant to Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), hereinafter referred to collectively as the "order", regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), there were under consideration proposed expenses of the Dried Fig Administrative Committee, established under the order, for the 1959-60 crop year and a rate of assessment for that year, as unanimously recom-mended by the committee and hereinafter set forth. In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, other available information, and said notice, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and the rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

§ 964.304 Expenses of the Dried Fig Administrative Committee and rate of assessment for the 1959-60 crop year.

(a) Expenses. Expenses in the amount of \$26,700 are reasonable and likely to be incurred by the Dried Fig Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) Rate of assessment. Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of Marketing Agreement No. 123, as amended, and Order No. 64, as amended, as such handler's pro rata share of the aforesaid expenses, an assessment of \$1.50 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

(c) Salable tonnage dried figs. The term "salable tonnage dried figs", as used in § 964.304(b), means and includes all natural condition dried figs acquired by a handler during the crop year beginning. August 1, 1959, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and order, as amended.

It is hereby further found that good cause exists for not postponing the effec-

tive date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) Pursuant to the order, the rate of assessment applies to all salable tonnage dried figs handled by handlers as the first handlers thereof during a crop year; (2) the current crop year—1959-60 crop year—extends from August 1, 1959, through July 31, 1960, and handlers are already acquiring, as first handlers thereof, salable tonnage dried figs; (3) the committee should be enabled to obtain promptly sufficient funds from the 1959-60 crop year assessments in order to defray expenses of administering the program during such crop year; (4) while the committee has on hand and may use, as authorized by §§ 964.71 and 964.72, the assessment funds from the 1958-59 crop year that were not expended in connection with program operations during such crop year, such funds are not sufficient to pay the expenses incurred by the committee during the early months of the current crop year; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 5, 1959, to become effective upon publication in the Federal Register.

FLOYD F. HEDLUND, Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 59-6569; Filed, Aug. 7, 1959; 8:51 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange
Commission

PART 230—RULES AND REGULATION, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UN-DER THE SECURITIES ACT OF 1933

Adoption of Rules and Regulations Relating to Assessable Stock

The Securities and Exchange Commission announced today that it has adopted certain rule changes relative to assessable stock. These rule changes make it clear that the levying of assessments on assessable stock involves the offering and sale of securities within the meaning of the Securities Act of 1933. A draft of the proposed rule changes was published on March 5, 1958 and revised proposals, which included a proposed exemption from registration, were published on March 4, 1959. The Commission has given careful consideration to

all of the views and comments submitted in regard to these proposals.

The new Rule 136 (§ 230.136) defines the term "offer", "offer to sell", "offer for sale", and "sale" to include specifically the levying of assessments on assessable stock. The rule also provides that the offer or sale of assessable stock at public auction or otherwise to realize the amount of an unpaid assessment thereon is not exempt from the Act as a transaction by a person other than an issuer, underwriter or dealer. However, any person who acts solely as an auctioneer at such an auction sale is not deemed to be an underwriter. The rule further provides that any person who acquires assessable stock at such a sale with a view to its distribution is to be deemed an underwriter of the stock. An amendment to Rule 140 (§ 230.140) has been adopted to make it clear that it applies to the levving of assessments, as well as to other types of offers and sales.

The new exemption regulation (designated Regulation F) provides a conditional exemption from registration for assessments and for securities sold at delinquent assessment sales. A condition to the availability of an exemption under the regulation is the filing of a comparatively simple notification giving brief information as to the issuer, its management and its recent and proposed assessments. Any notice or advertisement of the assessment or any delinquent assessment sales must include or be accompanied by a reasonably detailed statement of the purposes for which the proceeds from the assessment or assessment sales are to be used. Any literature used in connection with the levying of the assessment or the delinquent assessment sales must be filed with the Commission. The exemption may be suspended under certain circumstances, such as a finding by the Commission that fraud is involved.

The text of the new Rule 136 (§ 230.136) and of the amended Rule 140 (§ 230.140) and new Regulation F are set forth below.

## § 230.136 Definition of certain terms in relation to assessable stock.

- (a) An "offer", "offer to sell", or "offer for sale" of securities shall be deemed to be made to the holders of assessable stock of a corporation when such corporation shall give notice of an assessment to the holders of such assessable stock. A "sale" shall be deemed to occur when a stockholder shall pay or agree to pay all or any part of such an assessment.
- (b) The term "transactions by any person other than an issuer, underwriter or dealer" in section 4(1) of the Act shall not be deemed to include the offering or sale of assessable stock, at public auction or otherwise, upon the failure of the holder of such stock to pay an assessment levied thereon by the issuer, where the offer or sale is made for the purpose of realizing the amount of the assessment and any of the proceeds of such sale are to be received by the issuer. However, any person whose functions are limited to acting as auctioneer at such an auction sale shall not be deemed to be

an underwriter of the securities offered or sold at the auction sale. Any person who acquires assessable stock at any such public auction or other sale with a view to the distribution thereof shall be deemed to be an underwriter of such assessable stock.

(c) The term "assessable stock" means stock which is subject to resale by the issuer pursuant to statute or otherwise in the event of a failure of the holder of such stock to pay any assessment levied thereon.

# § 230.140 Definition of "Distribution" in section 2(11) for certain transactions.

A person, the chief part of whose business consists of the purchase of the securities of one issuer, or of two or more affiliated issuers, and the sale of its own securities, including the levying of assessments on its assessable stock and the resale of such stock upon the failure of the holder thereof to pay any assessment levied thereon, to furnish the proceeds with which to acquire the securities of such issuer or affiliated issuers, is to be regarded as engaged in the distribution of the securities of such issuer or affiliated issuers, is to be regarded as engaged in the distribution of the securities of such issuer or affiliated issuers within the meaning of section 2(11) of the Act.

REGULATION F: EXEMPTION FOR ASSESSMENTS ON ASSESSABLE STOCK AND FOR ASSESSABLE STOCK OFFERED OR SOLD TO REALIZE AMOUNT OF ASSESSMENT THEREON

## § 230.651 Scope of exemption.

- (a) The following shall be exempt from registration under the Act, subject to the terms and conditions of §§ 230.651 to 230.656:
- (1) Assessments on assessable stock of any corporation incorporated under the laws of, and having its principal business operations in, any State or Territory of the United States, or the District of Columbia;
- (2) Assessable stock of any such corporation offered or sold at public auction or otherwise for the purpose of realizing the amount of an assessment levied thereon, or reoffered to the public by an underwriter or dealer.
- (b) The amount of the following shall not exceed \$300,000 in any period of one year commencing on or after July 1, 1959.
- (1) The aggregate amount of all assessments levied on assessable stock of the issuer:
- (2) The aggregate offering price of all securities of the issuer offered under §§ 230.651 to 230.656 or any other rule or regulation adopted pursuant to section 3(b) of the Act; and
- (3) The aggregate sale price of all securities of the issuer sold in violation of section 5(a) of the Act.
- (c) Notwithstanding the foregoing, no exemption under §§ 230.651 to 230.656 shall be available to an issuer so long as the issuer is subject to a suspension order issued pursuant to § 230.656, or any similar order issued pursuant to any

other rule or regulation under the Act, unless the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

### § 230.652 Filing of notification.

At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the date on which the initial offering of any securities is to be made under § 230.651 to 230.656, there shall be filed with the Regional Office of the Commission for the region in which the issuer conducts its principal business operations four copies of a notification on Form 1–F containing the information specified in that form. The Commission may, in its discretion, authorize the commencement of the offering prior to the expiration of such ten-day period upon a written request for such authorization.

## § 230.653 Information to be given stockholders and others.

Every notice or advertisement of the assessment or of any delinquent assess/ment sale which is sent to holders of the issuer's assessable stock or otherwise published shall include or be accompanied by a reasonably detailed statement of the purposes for which the proceeds from the assessment and from any delinquent assessment sales are to be used.

### § 230.654 Sales material to be filed.

Four copies of each of the following communications prepared or authorized by the issuer or anyone associated with the issuer or any of its affiliates or by any underwriter, for use in connection with the offering of any securities under §§ 230.651 to 230.656 shall be filed, with the Office of the Commission with which the notification is filed, at least ten days (exclusive of Saturdays, Sundays and holidays) prior to any use thereof, or such shorter period as the Commission, in its discretion, may authorize:

- (1) Every notice or advertisement proposed to be published in any newspaper, magazine or other periodical:
- (2) The script of every radio or television broadcast: and
- (3) Every letter, circular or other written communication proposed to be sent, given or otherwise communicated to more than ten persons.

## § 230.655 Prohibition of certain statements.

No written or oral communication used in connection with any offering under §§ 230.651 to 230.656 shall contain any language stating or implying that the Commission has in any way passed upon, the merits of, or given approval to, any securities of the issuer, has determined that the assessment or proposed assessment is necessary or desirable or that the offering is exempt from registration, or has made any finding that the statements contained in such communication are accurate or complete.

### § 230.656 Suspension of exemption.

(a) The Commission may, at any time after the filing of a notification, issue an order temporarily suspending the exemption if it has reason to believe that:

(1) No exemption is available under §§ 230.651 to 230.656 for the securities proposed or purported to be offered hereunder, or any of the terms or conditions of §§ 230.651 to 230.656 have not been complied with;

(2) Any written communication or radio or television broadcast used or proposed to be used in connection with the offering contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are

made, not misleading;
(3) The offering is being made or would be made in violation of section 17 of the Act;

(4) The issuer or any promoter, director or officer thereof has failed to cooperate, or has obstructed or refused to permit the making of any investigation by the Commission in connection with any offering made or proposed to be made hereunder.

- (b) Upon the issuance of an order under paragraph (a) of this section, the Commission will promptly give notice to the issuer (1) that such order has been issued, together with a brief statement of the reasons for the issuance of the order, and (2) that the Commission, upon receipt of a written request within 30 days after the issuance of such order, will within 20 days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its issuance and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission. the Commission will, after notice of an opportunity for such hearing, either vacate the order or issue an order permanently suspending the exemption.
- (c) The Commission may at any time after notice of and opportunity for hearing, issue an order permanently suspending the exemption for any reason upon which it could have issued a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.
- (d) All notices required by this section shall be given to the issuer by personal service, registered mail or confirmed telegraphic notice at the address of the issuer given in the notification.

## § 239.300 Form 1–F, notification under Regulation F.<sup>1</sup>

Item 1. The issuer. Furnish the following information as to the issuer of the securities upon which the proposed assessment is to be levied:

(a) Exact name of issuer;(b) Date of incorporation or organization and name of State or other jurisdiction under the laws of which it was incorporated or organized;

(c) Name of State or other jurisdiction in which issuer's principal business operations are conducted.

Item 2. Principal security holders of issuer. List the full name and complete residence address of each person who owns of record, or is known to own beneficially, ten percent or more of the outstanding securities of any class of the issuer, stating the title and amount owned by each such person.

Item 3. Directors and officers. List the full name and complete residence address of each director and each officer of the issuer, indicating all positions and offices with the issuer held by each such person.

Item 4. Prior assessments within one year. Furnish the following information as to each assessment levied by the issuer on its assessable stock within the last year prior to the filing of this notification:

(a) Date of assessment and number of assessable shares outstanding on such date;

(b) Amount of assessment per share and total amount of assessment for all shares

then outstanding;
(c) Number of shares sold because of failure of shareholders to pay the assessment, and amount realized from such sales;

(d) Total amount realized from the assessment and sales and a reasonably itemized statement as to the purposes for which such amount was used.

Item 5. Unregistered securities issued or sold within one year. As to any unregistered securities issued by the issuer within one year prior to the filing of this notification, state-

- (a) The title and amount of securities
- issued;
  (b) The aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof;
- (c) The names of the persons or the identity of the class of persons to whom the securities were issued; and
- (d) The secton of the Act or rule or regulation of the Commission under which exemption from registration was claimed with respect to such securities and a brief statement of the facts relied upon for the exemption.

Item 6. Proposed assessment. Furnish the following information as to the proposed assessment with respect to which this notification is filed:

- (a) Approximate date notice of the assessment will be given to the shareholders and the period of time thereafter within which the assessment may be made without forfeiture:
- (b) Number of assessable shares now outstanding, the amount of the assessment per share and the total amount of the assessment:
- (c) Give a reasonably detailed statement of the purposes for which the proceeds from the assessment and from any forfeiture sales are to be used.

#### SIGNATURE 2

This notification has been signed in the City of \_\_\_\_\_, State of \_\_\_\_, on \_\_\_\_, 19\_\_,

> (Issuer) By .... (Name and title)

The foregoing action is taken pursuant to the Securities Act of 1933, particularly

sections 2(3), 2(11), 3(b), 4(1), and 19(a) thereof and shall become effective September 1, 1959.

By the Commission.

ORVAL L. DUBOIS, [SEAL] Secretary.

JULY 30, 1959.

[F.R. Doc. 59-6558; Filed, Aug. 7, 1959; 8:49 a.m.]

#### PART 239-FORMS PRESCRIBED UN-**DER THE SECURITIES ACT OF 1933**

#### Forms Pertaining to Exemptions

§ 239.200 Form 1-E, Notification under Regulation E.1

Item 1. The issuer. State the exact name of the issuer and the address (street, cit; and State) of its principal business office.

Item 2. Affiliates and principal security holders of issuer. List the full name and complete address of each of the following persons:

(a) Each affiliate of the issuer, indicating the nature of the affiliation.

(b) Each person who owns of record, or is known to own beneficially, ten percent or more of the outstanding securities of any class of the issuer, stating the title and amount owned by each such person.

Item 3. Directors and officers. List the full name and complete residence address of each of the following persons:

(a) Each director of the issuer;

(b) Each officer of the issuer, indicating all positions and offices held with the issuer; (c) Each investment adviser.

Item 4. Counsel for issuer and under-Give the name and address of counsel for the issuer in connection with the proposed offering. Furnish similar information as to any counsel for the underwriters.

Item 5. Events making exemption unavailable. State whether or not any event specified in Rule 602 (b), (c), or (d) has occurred which would make an exemption under this regulation unavailable for securities of the issuer in the absence of a waiver by the Commission pursuant to Rule

602(e).

Item 6. Jurisdictions in which securities are to be offered. (a) List the names of the States and other jurisdictions in which the securities covered by this notification are proposed to be offered through underwriters, dealers or salesmen in such jurisdictions.

(b) If the offering is to be made by advertisements, mail, telephone or otherwise in States or other jurisdictions other than those listed under (a) above, describe the methods proposed to be employed in making the offering therein and list such States or other jurisdictions to the extent that they

Note: No securities shall be offered or sold in any other State or jurisdiction until an amendment to the notification has been filed listing the names of the additional jurisdictions.

Item 7. Unregistered securities issued or sold within one year. (a) As to any unregistered securities issued by the issuer within one year prior to the filing of this notification, state (i) the title and amount of securities issued; (ii) the aggregate offering price

<sup>&</sup>lt;sup>1</sup>The notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

<sup>2</sup> At least one copy shall be signed manually by or on behalf of the issuer. Any copies not manually signed shall bear typed or printed signatures.

The notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

or other consideration for which they were. issued and the basis for computing the amount thereof; and (iii) the names of the persons or the identity of the class of persons to whom the securities were issued.

(b) As to any unregistered securities of the issuer which were sold within one year prior to the filing of this notification by or for the account of any person who at the time was a director, officer, or principal security holder of the issuer, or was an underwriter of any securities of such issuer, furnish the information specified in (i) through (iii) of paragraph (a).

(c) Indicate the section of the Act or rule or regulation of the Commission under which exemption from registration was claimed with respect to such securities and state briefly the facts relied upon for the

exemption.

Item 8. Other present or proposed offerings. State whether or not the issuer is presently offering or presently contemplates the offering of any securities, in addition to those covered by this notification. If so, describe fully the present or proposed

offering.

Item 9 Exhibits. Four copies of each of the documents specified below shall be filed as exihibits to the notification. List under this item all such documents filed.

(a) Any indenture or other instruments defining the rights of holders of debt securities to be offered hereunder. If equity securities are to be offered, furnish copies of the provisions of the governing instruments defining the rights of holders of such securities.

(b) All underwriting contracts relating to the securities to be offered hereunder.
(c) If any of the securities proposed to

be offered hereunder are to be offered for the account of any person other than the issuer, a written statement signed by the issuer representing that the proposed offering will not interfere with any needed financing by the issuer under this regulation.

(d) The offering circular or if the offering is to be made pursuant to Rule 606, the statement required by paragraph (a) of that rule and any offering circular to be used in

connection with such offering.

(e) A written consent and certification, signed by each underwriter of the securities proposed to be offered hereunder. All underwriters may, with appropriate modifications, sign the same consent and certification or separate consents and certifications may be signed by any underwriter or group of underwriters. At least one copy of each consent and certification shall be signed manually.

1. The undersigned hereby consents to being named as underwriter in a notification and offering circular filed with the Securities and Exchange Commission by ... (name of issuer) pursuant to Regulation E in connection with a proposed offering of \_\_(title of securities) \_\_ to the public.

2. The undersigned hereby certifies that it furnished the statements and information set forth in such notification and offering circular with respect to the undersigned, its directors and officers or partners, that such statements and information are accurate, complete and fully responsive to the requirements of Form 1-E and Schedule A and do not omit any information required to be stated therein with respect of any of such persons, or necessary to make the statements and information therein with respect to any of them not misleading.

(f) If the issuer has not yet obtained a license from the Small Business Administration, copies of any contract or arrangement made to assure that the funds paid in by investors for the securities to be offered will be returned to them in the event such license is not obtained.

#### STGNATURE 2

This notification has been signed in the City of \_\_\_\_\_\_ 19\_\_\_ \_\_\_, State of \_\_\_\_\_, on

(Issuer) . By \_\_\_\_ (Name and title)

(Selling security holder)

§ 239.201 Form 2-E, Report pursuant to Rule 609 of Regulation E.

- 1, Name of issuer \_\_\_ 2. Name of underwriter\_\_\_\_\_ 3. Date of this report\_\_\_\_\_\_4. (a) Date offering commenced\_\_\_\_\_
- (b) Date offering completed, if completed (c) If offering has not commenced, state
- 5. (a) Total number of shares or other units offered hereunder \_\_\_
- . (b) Number of such shares or other units sold from commencement of offering to date ...

reasons briefly\_\_\_\_\_

- (c) Number of such shares or other units still being offered\_\_\_\_\_
- 6. (a) Total amount received from commencement of offering to date \_\_\_\_\_(b) Underwriting \_\_\_\_\_ \$\_\_\_\_ discount allowed .... \$\_\_\_\_
  - (c) Expenses paid to or for the account of
  - the underwriters\_\_ \$\_\_. (d) Other expenses paid
  - to date by or for the account of the issuer:
    - (1) Legal (including organiza-
    - tion) \_\_\_\_\_ \$\_\_\_\_ Accounting \_\_\_\_ \$\_\_\_\_ (3) Printing and ad-
    - vertising \_\_\_\_ \$\_\_\_\_ (4) Other \_\_\_\_\_ \$\_\_\_\_
  - (e) Total costs and expenses ((b), (c) and (d)) \_\_\_\_\_\_ (f) Proceeds to issuer after above
  - deductions ((a) minus
- 7. State briefly the nature and extent of each type of the issuer's principal action to date.
- 8. State whether the offering has been discontinued, and if so, state the date and describe briefly the reasons for such discontinuance.
- 9. List the names and addresses of all brokers and dealers who have, to the knowledge of the issuer or underwriters, participated in the distribution of the securities offered during the period covered by this report.

Instruction. In reports made subsequent to the initial report, the information need be given only with respect to persons not previously reported.

(Issuer)\* -----(Name and title) \* (Selling security holder) \* Date \_\_\_\_\_

\*At least one copy of the report shall be signed manually by each person whose signature is required. Any copies not manually signed shall bear typed or printed signatures.

By the Commission.

SEAL!

ORVAL L. DUBOIS, Secretary.

DECEMBER 16, 1958.

[F.R. Doc. 59-6559; Filed, Aug. 7, 1959; 8:49 a.m.1

## Title 14—AERONAUTICS AND SPACE

\*Chapter I—Federal Aviation Agency [Regulatory Docket No. 84; Supp. 16]

#### PART 60—AIR TRAFFIC RULES

### Military Jet Aircraft Two-Way Radio Failure Procedures

Sections 60.49-1(b) (3) (ii) and 60.49-1(c)(3)(ii) currently require that when unable to maintain two-way radio communications, military jet aircraft inbound to an airport at which approved military jet penetration procedures have been established will execute a holding pattern along the left side of the initial penetration course or on the side on which the procedure turn has been prescribed. Actual operating experience has demonstrated that these provisions do not permit an operationally efficient transition from the holding pattern to the penetration phase of flight. Accordingly, the Department of the Air Force has requested the Federal Aviation Agency to amend these provisions by specifying that the pilot of such military jet aircraft will utilize the holding procedures which will be depicted on the jet approach and landing chart for the particular airport of destination. Evaluation of this proposal indicates that it will promote air safety and it does not appear that there will be any adverse effects upon other airspace users.

Since this amendment relates only to statements of policy, notice and public procedure hereon are unnecessary and it may be made effective upon less than thirty days notice.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Chapter I) is hereby amended as follows:

1. By amending § 60.49-1(b) (3) (ii) to read as follows:

§ 60.49-1 Two-way radio failure procedures (FAA policies which apply to § 60.49(b)).

- (b) En route procedure. \* \* \*
- (3) \* \* \*
- (ii) Where approved military jet penetration procedures have been published for the airport of destination, holding by military jet aircraft will be accomplished at the last assigned altitude or flight level in accordance with the holding procedure depicted on the jet approach and landing chart for that airport.

Note: Detailed approach and landing procedures, approved for military jet aircraft, are published in the U.S. Air Force-U.S. Navy "Flight Information Publication— Terminal—High Altitude" by the Aeronautical Chart and Information Center, St. Louis, Missouri.

<sup>&</sup>lt;sup>2</sup> The notification shall be signed in accordance with Rule 604. At least one copy shall be signed manually by or on behalf of the issuer and each selling security holder. Any copies not manually signed shall bear typed or printed signatures.

read as follows:

§ 60.49-1 Two-Way radio failure procedures (FAA policies which apply to § 60.49(b)).

(c) Instrument letdown. \* \* \*

(3) Shuttle. \* \* \*

(ii) Where approved military jet penetration procedures have been published for the airport of destination, military jet aircraft will descend to initial penetration altitude or flight level while executing the holding procedure depicted on the jet approach and landing chart for that airport.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on August 3, 1959.

(Sec. 313(a) and 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

E. R. QUESADA. Administrator.

[F.R. Doc. 59-6547; Filed, Aug. 7, 1959; 8:46 a.m.1

## Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A-INCOME AND EXCESS PROFITS TAXES

[T.D. 6405]

[Regulations 118]

PART 39-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEM-BER 31, 1951

## Amounts Received by Certain Motor Carriers in Settlement of Claims **Against the United States**

On February 27, 1959, notice of proposed rule making with respect to proposed regulations under section 99 of the Technical Amendments Act of 1958 (72 Stat. 1673), relating to amounts received by certain motor carriers in settlement of claims against the United States, was published in the FEDERAL REGISTER (24 F.R. 1465). After consideration of all such relevant matter as was submitted by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted subject to the following change: Paragraph (a) of § 39.42-8 is amended.

This Treasury decision is issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 32; 26 U.S.C. 62, 3791).

[SEAL]

CHARLES I. Fox, Acting Commissioner, of Internal Revenue.

Approved: August 6, 1959.

FRED C. SCRIBNER, Jr. Acting Secretary of the Treasury.

PARAGRAPH 1. Section 39.42 (26 CFR (1939) 39.42) is amended by adding at the end thereof the following statutory provision:

2. By amending § 60.49-1(c) (3) (ii) to § 39.42 Statutory provisions; accounting periods and methods of accounting; period in which items of gross income included.

> SEC. 99. Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)]. Notwithstanding the provisions of section 42 of the Internal Revenue Code of 1939, an amount received in settlement of any claim against the United States arising out of the taking by the United States (pursuant to Executive Order Numbered 9462, dated August 11, 1944 (3 CFR, 1943-1948, p. 322)) of possession or control of any motor carrier transportation system owned or operated by the taxpayer shall, at the election of the taxpayer, under regulations prescribed by the Secretary of the Treasury or his delegate, be deemed to be income which was received or accrued in the taxable years during which such motor carrier transportation system was in the possession or control of the United States. The election referred to in the preceding sentence shall be made, under regulations prescribed by the Secretary of the Treasury or his delegate, within one year after the date of the enactment of this Act, and, if made, shall be irrevocable. The period for assessment of any deficiency attributable to the inclusion of income in any taxable year of the taxpayer by reason of the application of this section shall not expire prior to one year after the date on which the taxpayer makes the election referred to in the first sentence, notwithstanding the provisions of section 275 of the Internal Revenue Code of 1939 or any other provision of law or rule of law which would otherwise prevent such assessment. Nothwithstanding section 292 of the Internal Revenue Code of 1939, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the application of this section.

Pak. 2. There is inserted immediately after § 39.42-7 the following section:

#### § 39.42-8 Amounts received by certain motor carriers in settlement of claims against the United States.

(a) In general. (1) Notwithstanding the provisions of section 42(a) or of paragraph (a) of § 39.42-1, an amount received in settlement of any claim against the United States arising out of the taking by the United States (pursuant to Executive Order 9462, dated August 11, 1944 (3 CFR 1943-48, p. 322)) of possession or control of any motor carrier transportation system owned or operated by the taxpayer shall, at the election of the taxpayer made in accordance with paragraph (c) of this section, be deemed to be income which was received or accrued in the taxable years during which such motor carrier transportation system was in the possession or control of the United States. An amount referred to in the preceding sentence means the gross amount of the award, including interest, and before reduction on account of advances previously made to the taxpayer unless the amount of the advances was previously included in the income of the taxpayer for Federal income tax purposes. Except as provided in subparagraph (2) of this paragraph, no part of such income shall be treated as income from the sale or exchange of a capital asset. In the event the period during which the taxpayer's property was in the possession or control of the United States covers more than one taxable year, the amount of the settlement shall be allocated ratably over the period during which the carrier's system was in such possession or control.

(2) If a part of the amount received in settlement of a claim against the United States represents payment for an item of property lost or destroyed during the time it was in the possession or control of the United States, and the taxpayer can clearly establish that such loss or destruction was of a character to which the provisions of section 1231 apply, then such taxpayer may treat any resulting gain as gain from the involuntary conversion of property used in its trade or business subject to the rules of section

(b) Effect of election. (1) If, pursuant to election, an amount described in paragraph (a) of this section is included in the gross income (and excess profits net income) of a taxable year with respect to which the assessment of a deficiency is prevented by section 275 or any other provision of law or rule of law, the tax for such year shall be redetermined solely by including such amount in gross income (and excess profits net income) and by recomputing any item which depends upon gross income, adjusted gross income, net income, excess profits net income, or adjusted excess profits net income (for example, charitable contributions).

(2) If, as the result of a redetermination of the tax for a taxable year, the amount of any deduction (such as the net operating loss deduction or capital loss carryover) or credit (such as the unused excess profits credit) for any other taxable year is affected, the tax for such other taxable year shall also be redetermined to reflect the effect of the change in the deduction or credit for

such other taxable year.

(3) Section 99 of the Technical Amendments Act of 1958 does not provide for the allowance of a credit or refund or for the assessment of a deficiency (except as otherwise provided in this paragraph and in paragraph (r) of § 39.275-1) with respect to the tax attributable to an amount described in this section if such credit or refund or the assessment of such deficiency is barred by the applicable statute of limitations. Thus, if an award was properly includible in income for the taxable year 1952, nothing in this section shall permit refund or credit or assessment of a deficiency in tax with respect to the award for that year or any other year if such refund, credit or assessment is otherwise prevented for 1952. Accordingly, the election provided under paragraph (a) of this section may not be made with respect to such award.

(c) Manner of election. An election under paragraph (a) of this section to treat the amounts awarded as having been received or accrued in prior years shall be made by filing a statement with the district director for the district in which the returns were filed. The statement, accompanied by amended returns, shall be filed for any taxable years in

respect of which the tax is to be redetermined in accordance with the provisions of paragraph (b) of this section. Such statement shall indicate that the tax-payer has elected under the provisions of section 99 of the Technical Amendments Act of 1958 to report amounts received in settlement of claims against the United States in accordance with such provisions and shall also show:

(1) The total amount of settlement

received,

- (2) The taxable year or years (and the period in each such year or years) during which the United States was in pos-
- session or control, and
  (3) The amount of such settlement applicable to each such taxable year.

The election must be made on or before September 2, 1959, and if made, shall be irrevocable.

(d) Cross references. For provisions relating to the period of limitation on the assessment and collection of a deficiency for any taxable year attributable to the inclusion in income by motor carriers of amounts received in settlement of claims against the United States, see paragraph (r) of § 39.275-1. For provisions relating to the interest on any such deficiency, see § 39.292-1.

PAR. 3. In § 39.275-277 there is inserted immediately preceding section 276 the following:

§ 39.275-277 Statutory provisions; assessment and collection of deficiencies; period of limitations; exceptions; suspension of running of period of limitation.

SEC. 99. Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)]. \* \* \* The period for assessment of any deficiency attributable to the inclusion of income in any taxable year of the taxpayer by reason of the application of this section shall not expire prior to one year after the date on which the taxpayer makes the election referred to in the first sentence, notwithstanding the provisions of section 2.5 of the Internal Revenue Code of 1939 or any other provision of law or rule of law which would otherwise prevent such assessment. \* \* \*

PAR. 4. Section 39.275-1 is amended by adding thereto a new paragraph (r) as follows:

### § 39.275-1 Period of limitation upon assessment of tax.

27 (r) A deficiency for any taxable year which is attributable to the inclusion in gross income (or excess profits net income) of an amount described in § 39.42-8, relating to amounts received by certain motor carriers in settlement of claims against the United States, may be assessed at any time prior to one year after the date on which the taxpayer makes an election in accordance with section 99 of the Technical Amendments Act of 1958, notwithstanding the provisions of section 275 or any other provision of law which would otherwise prevent such assessment.

Par. 5. In § 39.292–294 there is inserted immediately preceding section 293 the following:

§ 39.292-294 Statutory provisions; interest and additions to the tax; interest on deficiencies; additions to tax in case of deficiency; additions to tax in case of nonpayment.

\*

\*

SEC. 99. Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)]. \* \* \* Notwithstanding section 292 of the Internal Revenue Code 1939, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the application of this section.

Par. 6. There is inserted immediately after § 39.292-294 the following section:

### § 39.292-1 Interest on deficiency in case of motor carriers.

Notwithstanding the provisions of section 292, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the taxpayer's having made an election in accordance with the provisions of section 99 of the Technical Amendments Act of 1958.

Par. 7. The amendments to Regulations 118 (26 CFR (1939) Part 39), covering taxable years beginning after December 31, 1951, set forth in this Treasury decision, are hereby made applicable to taxable years beginning after December 31, 1941, and before January 1, 1952 (such years being covered by Regulations 111 (26 CFR (1939) Part 29).

This Treasury decision is issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 32; 26 U.S.C. 62, 3791). [F.R. Doc. 59-6602; Filed, Aug. 7, 1959; 8:45 a.m.1

## Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

### PART 102—INSTRUCTIONS RELATING TO REPORTS OF CURRENCY TRANS-**ACTIONS**

Correction

In F.R. Doc. 59-6392, appearing at page 6242 of the issue for Tuesday, August 4, 1959, § 102.1 should read as follows:

#### § 102.1 Reports of currency transactions required.

Commencing with transactions occurring in the month of August 1959, every financial institution in the United States shall file monthly reports on Form TCR-1 concerning each deposit or withdrawal, or other payment or transfer, effected by, through, or to such financial

institution, which involves transactions in United States currency as follows:

(a) Transactions involving \$2,500 or more of United States currency in denominations of \$100 or higher;

(b) Transactions involving \$10,000 or more of United States currency in any denominations, and

(c) Transactions involving any amount in any denominations.

which in the judgment of the financial institution exceed those commensurate with the customary conduct of the business, industry or profession of the person or organization concerned.

## Title 32—NATIONAL DEFENSE

Chapter I-Office of the Secretary of Defense

> SUBCHAPTER A---ARMED SERVICES PROCUREMENT REGULATION

> > [Corrected Amdt. 42]

## PART 16-PROCUREMENT FORMS Subpart B-Forms for Negotiated **Procurement**

Section 16.202-2, published at 24 F.R. 3591, was incomplete and should have read as follows:

§ 16.202 Negotiated contract forms.

§ 16.202-2 DD Forms 351, 351-1, and 351-2.

(a) Notwithstanding § 16.202-1 until July 1, 1959 (the mandatory date for the use of DD Forms 1261 and 1270), DD Forms 351 (Negotiated Contracts) (Cover Sheet), 351-1 (Schedule) and 351-2 (Certificate) (Signature Page) are authorized for use in entering into negotiated cost reimbursement type and fixed-price type contracts except:

(1) Those contracts for which DD Forms 746, 746-1, and 746-2 are pre-

scribed by § 16.203;

(2) Those procurements for which purchase order forms are prescribed by Subpart C of this part;

- (3) Contracts for the construction, alteration or repair of buildings, bridges, roads or other kinds of real property:
- (4) Those procurements for which special forms are prescribed by Subpart E of this part.

Standard Form 36 (Continuation Sheet) may be used in lieu of DD Form 351-1 (Schedule). These forms may be used regardless of dollar amount, but will not be used generally in procurements amounting to less than \$5,000.

(b) These forms will be used with appropriate General Provisions as prescribed by this subchapter or Departmental procedures (see §§ 16.204 and 16.205).

> G. C. BANNERMAN, Director of Procurement Policy.

[F.R. Doc. 59-6570; File, Aug. 7, 1959; 8:51 a.m.]

### Chapter V—Department of the Army

SUBCHAPTER F-PERSONNEL

### PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

#### Good Conduct Medal

Section 578.27 is revised to read as follows:

#### § 578.27 Good Conduct Medal.

The Good Conduct Medal, established by Executive Order 8809 (3 CFR, Cum. Supp., p. 961) and amended by Executive Order 9323 (3 CFR, Cum. Supp., p. 1263) and by Executive Order 10444 (3 CFR, 1949-1953 Comp., p. 934), is awarded for exemplary behavior, effi-ciency, and fidelity during enlisted status in active Federal military service. It is awarded on a selective basis to each soldier who distinguished himself from among his fellow soldiers by his exemplary conduct, efficiency, and fidelity. There is no right or entitlement to the medal until the immediate commander has made positive recommendation for its award, and until the awarding authority has announced the award in General Orders. The qualifications for an award of the Good Conduct Medal are contained in paragraphs (a) through (c) of this section.

(a) Period of service. Enlisted personnel to be separated from active duty and who qualify for the award of the Good Conduct Medal will receive the award at their last duty station. Therefore, advance announcement of the award is authorized up to 30 days prior to return from overseas for separation, or prior to assignment to a separation processing installation in the continental United States or overseas. Entry into service as a cadet in the United States Military Academy or other service academy or discharge from enlisted status for immediate entry on active duty in an officer status is considered termination of service for the purpose of awarding the Good Conduct Medal. Periods of prescribed service must be continuous, an interval in excess of 24 hours between enlistments will be considered a break in continuous service. An award made for any authorized period of less than 3 years must be for the total period of obligated service. One of the following periods of qualified service is prescribed:

(1) A period of 3 years. (2) Upon termination of service for a

period of less than 3 years but more than 1 year when no previous award of the Good Conduct Medal has been made.

(3) Upon termination of service of less than 1 year when final separation was by reason of physical disability incurred in line of duty and no previous award of the Good Conduct Medal has been made.

(b) Character of service. All character and efficiency ratings during the period must be recorded as "Excellent", except that:

(1) Ratings of "Unknown" for portions of the period under consideration will not be disqualifying.

(2) Service school efficiency ratings, based upon academic proficiency, of at least "Good" which have been rendered subsequent to November 22, 1955, will not be disqualifying.

(3) There must have been no conviction by court-martial.

(4) The individual must not be serving in, nor have been serving at the time of separation in an assignment of the type designated as "specially controlled

(c) Basis for recommendation. Recommendation by the individual's immediate unit commander is required for award of the Good Conduct Medal by the approving authority. Such commander's recommendation will be based on his personal knowledge and on the individual's official records for periods of service under prior commanders during the period for which the award is to be made. The lack of official disqualifying comment by such previous commanders qualifies the use of such periods toward the award by current commander. However, authority delegated in § 578.26(f) for awarding the Good Conduct Medal is limited to service during the 36 calendar months immediately preceding the date of current consideration.

(d) Orders. The award of the Good Conduct Medal when made in the field will be announced in General Orders not later than 30 days following terminal date of qualifying period. They will specify the award (e.g., Second Award, or Third Award, etc.) and the inclusive dates for which the award is made.

[C3, AR 672-15-1, July 15, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

> R. V. LEE. Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59-6541; Filed, Aug. 7, 1959; 8:45 a.m.]

## Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

### PART 311—PUBLIC USE OF CERTAIN **RESERVOIR AREAS**

### **Boats and Floating Facilities**

The rules and regulations governing the public use of certain reservoir areas pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266) are amended as follows:

Revoke §§ 311.3 and 311.4 and substitute the following therefor:

#### § 311.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers and other vessels on the reservoir for fishing and recreational use is permitted except in prohibited areas designated by the District Engineer in charge of the reservoir area and subject to the regulations contained in this part.

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

(c) Unsafe boats or other vessels will not be permitted on the reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the reservoir. All boats permitted on the reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Boathouses, houseboats, cabin cruisers and other vessels may be placed and operated on the reservoirs, except that such facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galleys shall not be placed on reservoirs with small permanent pools. Such vessels may be barred from other reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

#### § 311.4 Mooring, care and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis, or placed in the care of a marina concessionaire, State or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with plans and a permit approved by the District Engineer or his designated representative. He shall have authority to revoke such permit and require removal of the facility for failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

(c) The discharge of sewage, garbage or other pollutant in the waters of the reservoir from any boat, barge or other vessel on the reservoir is prohibited except in accordance with regulations of the State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited

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#### **RULES AND REGULATIONS**

ashore at places designated for such deposit and disposal.

[Regs., July 16, 1959, ENGWO] (Sec. 209, 68 Stat 1266; 16 U.S.C. 460d)

> R. V. LEE, Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59-6542; Filed, Aug. 7, 1959; 8:45 a.m.]

## Title 50—WILDLIFE

Chapter I-Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F-ALASKA COMMERCIAL **FISHERIES** 

## PART 109—COOK INLET AREA Seasonal Restrictions

Basis and purpose. There have been numerous requests for permission to take coho salmon in the waters of Knik Arm for personal use. It has been determined that such fishing can be permitted subject to certain restrictions as to times, means, and methods designed to assure adequate escapement.

Therefore, § 109.90 is amended by changing the period at the end of the proviso to a semicolon, and adding the following: "And provided further, That set nets, (1) not more than 30 yards in length, (2) set not less than 100 yards from any other set net, (3) set not less than 500 yards outside the terminus of any tributary stream, (4) identified with the name and address of the owner may be used in the tidal waters of Knik Arm, between a line from Point Woronzof to Point MacKenzie and the Knik River highway bridge, after August 9.'

Since the desired effective date of this relaxation is imminent, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C.

Dated: August 4, 1959.

A. W. ANDERSON, Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6556; Filed, Aug. 7, 1959; 8:49 a.m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service I 50 CFR Part 31 I

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

### Pheasant Hunting Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.101 to Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit annual hunting of pheasants on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 5, 1959.

D. H. JANZEN, Director, Bureau of Sport Fisheries and Wildlife.

#### HUNTING

## § 31.101 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge, Idaho, subject to the following conditions, restrictions, and requirements:

(a) State laws. Strict compliance with all applicable State laws and regu-Strict compliance

lations is required.

(b) Checking stations. Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(c) Dogs. Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) Areas open to hunting. The following areas designated by suitable posting by the refuge officer in charge shall be open to hunting.

(1) Area A. Lands in that portion of the refuge already open to hunting of migratory waterfowl as described in § 31.94.

(2) Area B. Refuge lands south of the shoreline of Lake Lowell, lying between the New York Canal and the Lower Embankment.

Hunting. of pheasants (e) Seasons. will be permitted on Area A during the season prescribed by the Idaho Fish and Game Department.

Pheasant hunting will be permitted on

the season as prescribed by the Idaho Fish and Game Department.

[F.R. Doc. 59-6553; Filed, Aug. 7, 1959; 8:48 a.m.]

## I 50 CFR Part 31 1

## WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

### Hunting of Deer, Bear, Raccoon, and Bobcats

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.362 to Subpart—Willapa National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the annual hunting of deer, bear, raccoon, and bobcats on certain lands of the Willapa National Wildlife Refuge in accordance with existing State procedures and regula-

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 5, 1959.

D. H. JANZEN. Director, Bureau of Sport Fisheries and Wildlife.

#### HUNTING

#### § 31.362 Hunting of deer, bear, raccoon, and bobcats.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer, bear, raccoon, and bobcat hunting is permitted on the hereinafter described lands of the Willapa National Wildlife Refuge, Washington, subject to the following conditions, restrictions, and requirements:

(a) State laws. Strict compliance with all applicable State laws and regu-

lations is required.

(b) Area. Hunting is permitted only on that portion of the Willapa National Wildlife Refuge; Washington, designated as Long Island.

(c) Hunting methods. Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(d) Checking stations. Hunters, upon entering or leaving the hunting area, will be required to report at such checking stations as may be established for this purpose.

(e) Season. Hunting of deer, bear, raccoon, and bobcat will be permitted Area B during the last two days only of only during the archery season for deer

Fish and Game Commission.

[F.R. Doc. 59-6554; Filed, Aug. 7, 1959; 8:48 a.m.]

### [50 CFR Part 35]

### MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

#### **Bow and Arrow Deer Hunting** Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 35.21 to Subpart—Montezuma National Wildlife Refuge, New York, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer during a part of the 1959 State season on certain lands of the Montezuma National Wildlife Refuge, New York, under certain limitations and subject to compliance with the laws and regulations of the State of New York.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 4, 1959.

D. H. JANZEN. Director, Bureau of Sport Fisheries and Wildlife.

#### HUNTING

#### § 35.21 Bow and arrow deer hunting permitted.

Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 7, 8, and 15, 1959, only on the hereinafter described lands of the Montezuma National Wildlife Refuge, New York, subject to the following conditions, restrictions, and requirements:

(a) Hunting area. Hunting is permitted on all of the lands of the refuge except on posted lands in the immediate vicinity of the headquarters and subheadquarters of the refuge.

(b) State laws. Strict compliance with all applicable State laws and regulations is required. Daily hunting hours are from 7:00 a.m. to 5:00 p.m., e.s.t.

(c) Hunting methods. Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for the hunting of deer.

(d) Checking stations, Hunting will be by permit only and hunters, upon entering or leaving the hunting area, will be required to report at such checking

purpose.

[F.R. Doc. 59-6555; Filed, Aug. 7, 1959; 8:49 a.m.]

## DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration [21 CFR Part 121] FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for 2,3-p-Dioxanedithiol S,S-Bis (O,O-Diethyl Phosphorodithio-

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington, Delaware, proposing the issuance of a regulation to establish a tolerance of 25 parts per million (0.0025 percent) of 2,3-p-dioxanedithiol S,S-bis (O,O-diethyl phosphorodithioate) in or on dried citrus fruit pulp intended for use as cattle feed as a result of the use of  $2,3-\rho$ -dioxanedithiol S,S-bis (O,O-diethyl phosphorodithioate) as a pesticide chemical on the citrus fruit.

Dated: July 31, 1959.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 59-6552; Filed, Aug. 7, 1959; 8:48 a.m.)

## FEDERAL AVIATION AGENCY

I 14 CFR Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, 52 1

> [Regulatory Docket No. 83; Draft Release 59-11]

### DESIGN CHANGES, SUPPLEMENTAL TYPE CERTIFICATES, AND ALTERA-TIONS TO AIRCRAFT

## Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, and 52 of the Civil Air Regulations insofar as they relate to design changes, supplemental type certificates, and alterations to aircraft in the manner hereinafter set forth.

Under the present provisions of the Civil Air Regulations, alterations to aircraft are classified as "major" and "minor." Any person performing a "major alteration" to an aircraft is required to obtain the approval of the Administrator for the change in the type design or to accomplish the alteration in accordance with a design change previously approved by the Administrator.

as prescribed by the State of Washington stations as may be established for this Approval of a design change is issued in the form of a supplemental type certificate, or, in the case of a manufacturer, as an amendment to his type certificate. The definition of the term "major alteration" results in classifying a large proportion of aircraft alterations as major design changes requiring supplemental type certificates.

Difficulties in administering the supplemental type certificate procedures have resulted in widespread complaints by the industry. The complaints stem mainly from the time delay in obtaining approval of design changes and the resulting loss of service of the aircraft. An applicant for a supplemental type certificate is required to demonstrate compliance with the applicable airworthiness requirements in the same manner as the applicant for the original type certificate. This normally involves the submittal of drawings and technical data and frequently requires flight testing to enable the Federal Aviation Agency to make a finding that the modified aircraft complies with the applicable airworthiness requirements. Such procedures are expensive and time consuming. Practical difficulties in distinguishing between major and minor alterations have also resulted in nonuniformity in the application of these requirements.

In order to alleviate these difficulties the proposed amendments would:

(a) Delete the definitions of major and minor design changes and major and minor alterations, and define an alteration as any change to an aircraft which is covered by the applicable airworthiness requirements.

(b) Provide two alternative procedures for returning a certificated aircraft to service after alteration. Under one procedure, an applicant other than the holder of the type certificate would obtain a supplemental type certificate for the design change as in the past, and a person authorized to return the altered aircraft to service would determine that it conforms to the technical data approved under the supplemental type certificate. For design changes to new production aircraft, the manufacturer would obtain an amendment to his type certificate. Under the second alternative, a person authorized to return the altered aircraft to service would make his own determination that it complies with the applicable airworthiness requirements and would return it to service without obtaining or referring to a supplemental type certificate. Under the latter alternative, the person re-Under turning the aircraft to service would be responsible for the airworthiness of the alteration.

(c) Authorize the following persons to return aircraft to service after alteration:

(1) An appropriately rated certificated repair station.

(2) A manufacturer holding the type certificate for the aircraft upon which the alteration is made. Under the second alternative of paragraph (b), the manufacturer would be permitted to return an aircraft to service without obtaining an amendment to his type certificate if such aircraft already has an airworthiness certificate.

(3) An appropriately certificated air carrier or commercial operator.

(4) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24. At present, other mechanics may return aircraft to service after minor alteration, but under the proposal this privilege would be eliminated.

(d) Require a report on any alteration to an aircraft to be submitted to the Administrator. Such report would include identification of descriptive and substantiating data for the work performed.

(e) Prohibit any person from operating an altered aircraft unless the alteration has been accomplished in accordance with the provisions of Part 18.

Under existing regulations, FAA approval of design data is required for "major" alterations, but not for "minor" alterations. Under the proposed regulations, authorized persons would have the option of obtaining FAA approval of design data for any alteration, or of making their own determination of compliance with the applicable airworthiness requirements.

It is realized that expert knowledge of engineering or flight testing may be required to determine compliance for extensive and complex design modifications. It is expected that a large majority of the persons authorized to release altered aircraft would recognize their limitations in this respect. However, as a safeguard against errors in complying with the airworthiness requirements, the FAA would monitor the reports of aircraft alterations as received, and would make spot check inspections of aircraft in service.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

These amendments are proposed under the authority of sections 313(a), 601, 602, 603, and 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 777, 778; 49 U.S.C. 1354, 1421, 1422, 1423, 1425).

In consideration of the foregoing, it is proposed to amend Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, and 52 as follows:

1. By amending §§ 1.20 and 1.21 to read as follows:

## § 1.20 Changes by the holder of the type certificate.

The holder of a type certificate for a product may obtain an amendment to the type certificate for a change in the type design for such product if the

change is not so extensive as to require a new type certificate, and meets the applicable airworthiness requirements of this subchapter.

Note: Sections 3.11(e), 4b.11(e), 5.11(e), 6.11(e), 7.11(e), 13.11(e), and 14.11(e) of this subchapter list those changes for which a new type certificate is required. The applicable airworthiness requirements for such changes are set forth in §§ 3.11, 4b.11, 5.11, 6.11, 7.11, 14.11, and applicable Special Civil Air Regulations of this subchapter.

- (a) Notice of change. Notice of a change in the type design shall be submitted to the Administrator. Such notice shall be accompanied by the descriptive data for the change. Submission of substantiating data for the change and demonstration of compliance with the applicable airworthiness requirements may also be required by the Administrator.
- (b) Amendment of type certificates. Upon receipt of the notice and data specified in paragraph (a) of this section and after finding that the product incorporating the change in the type design complies with the applicable airworthiness requirements of this subchapter, the Administrator will approve and make such data a part of the type design for the product involved. The type certificate will be appropriately amended to include the approved change in type design.

## § 1.21 Changes by a person other than the holder of the type certificate.

A person other than the holder of a type certificate for a product may obtain a supplemental type certificate for a change in the type design of such product if the change is not so extensive as to require a new type certificate, and meets the applicable airworthiness requirements of this subchapter.

Note: Part 18 also provides for the performance of alterations of aircraft without obtaining a supplemental type certificate. See § 18.30(b). Also see note under § 1.20.

(a) Application for supplemental type certificate. Application for a supplemental type certificate shall be made on a form and in a manner prescribed by the Administrator and shall include the data which constitutes and supports the change in type design. (See § 1.2.)

(b) Issuance of certificate. Upon receipt of the application and satisfactory demonstration of compliance with the applicable airworthiness requirements of this subchapter, the Administrator will issue to the applicant a supplemental type certificate for the approved change in the type design.

(c) Privileges. Aircraft which conform to a type design approved under a supplemental type certificate shall be eligible for airworthiness certificates in accordance with the provisions of §§ 1.60 through 1.72 of this part. Engines, propellers, or other products which conform to a type design approved under a supplemental type certificate shall be eligible for installation on aircraft having an airworthiness certificate issued by the Administrator. The holder or licensee of a supplemental type certificate may obtain a production certificate (see §§ 1.30 through 1.46) with respect to

the changes in type design for which approval was obtained in accordance with this section.

Note: The provisions of this section are not intended to affect in any way the proprietary rights of the holder of a type certificate or a supplemental type certificate.

- §§ 1.22, 1.23, 1.25, 1.26, 1.27, 1.28 [Deletion]
- 2. By deleting §§ 1.22, 1.23, 1.25, 1.26, 1.27, and 1.28 and the heading preceding § 1.25 entitled "Supplemental Type Certificates".

## §§ 3.11, 4b.11, 5.11, 6.11, 7.11, 13.11, 14.11 [Amendment]

3. By deleting the words "holder of the type certificate" appearing in the first sentence of §§ 3.11(d), 4b.11(d), 5.11(d), 6.11(d), 7.11(d), 13.11(d), and 14.11(d) and inserting in lieu thereof the words: "applicant for approval of the change".

#### § 18.1 [Amendment]

4. By amending § 18.1 by deleting the definitions of major and minor alterations and amending the definition of alteration to read as follows:

Alteration. Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.

Note: The applicable airworthiness requirements for such changes are set forth in \$\frac{3}{3}.11, 4b.11, 5.11, 6.11, 7.11, 13.11, 14.11, and applicable Special Civil Air Regulations of this subchapter. The applicable requirements for each type of aircraft are identified on the corresponding FAA Type Certificate Data Sheet of Aircraft Specification, under the heading "Certification Basis."

### § 18.10 [Amendment]

5. By amending § 18.10(a) by inserting the word "all" before "alterations to propellers".

## § 18.11 [Amendment]

6a. By amending the introductory paragraph of § 18.11(a) to read as follows:

- (a) Maintenance or minor repairs. Except for preventive maintenance performed as authorized in § 18.10(c), which shall not require approval, no airframe, powerplant, propeller, or appliance which has undergone maintenance or minor repair shall be approved and returned to service except by:
- b. By amending the title of § 18.11(b) to read "Major repairs".
- c. By amending § 18.11(b) by deleting the words "or major alteration" and "or alteration".
- d. By deleting the note to \$18.11(b).
  e. By amending \$18.11 by adding a new paragraph (c) to read as follows:
- (c) Alterations. No aircraft which has undergone an alteration shall be returned to service until such alteration has been examined, inspected, and found to meet the requirements prescribed in § 18.30 by one of the following:
- (1) An appropriately rated certificated repair station; or
- (2) A manufacturer holding the type certificate for the aircraft upon which the alteration is made; or

(3) An appropriately certificated air carrier or commercial operator; or

(4) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of § 24.43 of this subchapter.

7. By amending § 18.13 to read as follows:

#### § 18.13 Aircraft operating limitations.

When an alteration results in a change in the aircraft operating limitations, or in the approved airplane flight manual, the person performing the alteration shall make appropriate amendments to the operating limitations or the airplane flight manual in accordance with the applicable airworthiness requirements of this subchapter (see § 18.30(b)), prior to the return of the aircraft to service. A copy of the change shall be attached to the alteration and repair report submitted to the Administrator.

#### § 18.21 [Amendment]

- 8. By amending § 18.21(a) to read as follows:
- (a) An adequate description of the work performed including identification of descriptive and substantiating data.
- 9. By amending the title and first sentence of § 18.22 to read as follows:

## § 18.22 Form and disposition of alteration or major repair reports.

A report of any alteration or major repair to an airframe, powerplant, propeller, or appliance shall be entered on a form acceptable to the Administrator.

#### § 18.30 [Amendment]

- 10. By amending § 18.30(b) and the note thereto to read as follows:
- (b) Alterations. All alterations to an aircraft shall be designed and accomplished in such manner that the aircraft as altered is in condition for safe operation. No person shall return an altered aircraft to service unless it complies with the applicable airworthiness requirements.

Note: Under the provisions of this section, the person authorized in § 18.11(c) of this part to return the aircraft to service must determine that the altered aircraft meets the applicable airworthiness requirements, or, as an alternate method, he may determine that the altered aircraft conforms to a type design approved under a type or supplemental type certificate as provided for in Part 1 of this subchapter. In such case conformity with the approved type design will be considered compliance with the applicable airworthiness requirements. To identify the applicable airworthiness requirements, see note under the definition of "alteration" in § 18.1.

#### § 24.1 [Amendment]

11. By amending § 24.1 by deleting the definitions of "Major alteration" and "Minor alteration" and by amending the definition of "Alteration" to read as follows:

Alteration. Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.

### §§ 24.41, 24.42 [Amendments]

12. By amending §§ 24.41 and 24.42 by deleting the words "or minor alteration" and "or minor alterations" and inserting the word "or" before "minor repair" and before "minor repairs".

#### § 24.43 [Amendment]

13. By amending § 24.43(a) (1), by deleting the words "major repairs and major alterations" and inserting in lieu thereof "alterations and major repairs".

14. By amending § 43.20 to read as follows:

#### § 43.20 General.

No person shall operate an aircraft unless it is in an airworthy condition and all maintenance and alterations have been performed in accordance with Part 18 of this subchapter.

#### § 52.1 [Amendment]

15a. By amending  $\S$  52.1(a) (6) to read as follows:

- (6) Alteration. Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.
- b. By amending  $\S 52.1(a)$  by deleting subparagraphs (18) and (20).

#### § 52.41 [Amendment]

- 16a. By amending § 52.41(b) to read as follows:
- (b) To approve and return to service such airframe, powerplant, propeller, instrument, radio, or accessory after it has undergone maintenance or minor repair; and
- b. By amending § 52.41(c) by deleting the words "or major alteration".
- c. By amending § 52.41 by redesignating paragraph (d) as (e), and inserting a new paragraph (d) to read as follows:
- (d) To approve and return to service such aircraft after it has undergone an alteration when such alteration has been examined, inspected, and found to meet the requirements perscribed in § 18.30 of this subchapter.

Issued in Washington, D.C., on July 31, 1959.

William B. Davis, Director, Bureau of Flight Standards.

[F.R. Doc. 59-6546; Filed, Aug. 7, 1959; 8:46 a.m.]

[ 14 CFR Parts 600, 601 ] [Airspace Docket No. 59-WA-91]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Revocation of Federal Airway, Associated Control Areas and Compulsory Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that

the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 34 presently extends from Terre Haute, Ind., to Peoria, Ill. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements on this airway as three and one respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4634, relating to the associated compulsory reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 14 CFR 1958 Supp. Parts 600, 601) as follows:

- 1. Section 600.634 Blue Federal airway No. 34 (Terre Haute, Ind., to Peoria, Ill.) is revoked.
- 2. Section 601.634 Blue Federal airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.) is revoked.
- 3. Section 601.4634 Blue Federal airway No. 34 (Terre Haute, Ind., to Peoria, Ill.) is revoked.

Issued in Washington, D.C., on August 3, 1959.

G. S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-6544; Filed, Aug. 7, 1959; 8:45 a.m.]

#### PROPOSED RULE MAKING

[ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-WA-84]

### FEDERAL AIRWAYS AND CONTROL AREAS

### Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13. 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6054 and 601.6054 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 54 presently extends from Quitman, Tex., to Charlotte, N.C. The Federal Aviation Agency has under consideration the extension of Victor airway No. 54 from Charlotte, N.C., to Pinehurst, N.C., in order to provide an airway system for aircraft operating between these terminals. This airway would also serve aircraft operating over Charlotte to or from airports in the Fayetteville/Pope AFB, N.C., areas. If such action is taken, Victor 54, and its associated control areas will extend from Quitman, Tex., to Pinehurst, N.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER Will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to extend VOR Federal airway No. 54 and its associated control areas by amending §§ 600.6054 and 601.6054 (14 CFR, 1958 Supp. 600.6054, 601,6054) as follows:

1. In § 600.6054 VOR Federal airway No. 54 (Quitman, Tex., to Charlotte, N.C.).

(a) Delete "(Quitman, Tex., to Charlotte, N.C.)" and substitute therefor "(Quitman, Tex., to Pinehurst, N.C.)"

(b) Delete "to the Charlotte, N.C., omnirange station." and substitute therefor "Charlotte, N.C., VOR; via the INT of the Charlotte, N.C. 068° and the Pinehurst 281° radials to the Pinehurst, N.C., VOR."
2. In § 601.6054 VOR Federal airway

No. 54 control areas (Quitman, Tex., to Charlotte, N.C.), delete "(Quitman, Tex., to Charlotte, N.C.)" and substitute therefor "(Quitman, Tex., to Pinehurst, N.C.) ".

Issued in Washington, D.C., on August 3, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

## [ 14 CFR Part 601 ]

[Airspace Docket No. 59-NY-4]

#### CONTROL ZONES

#### Modification of a Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2292 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Oceana, Va., control zone. The present Oceana, Va., control zone is a circular area within a five mile radius of the airport, excluding that portion which overlies the Pendleton, Va., Restricted Area (R-74). An instrument approach procedure has been designated to provide instrument approaches to the Oceana, Va., Naval Air Station using the southwest course of the Oceana, Va., radio range. In order to provide controlled airspace for aircraft using this approach procedure, it is proposed to modify the present control zone by designating an extension from the five mile radius zone to a point ten miles southwest of the

Oceana, Va., radio range station.
Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also [F.R. Doc. 59-6543; Filed, Aug. 7, 1959; be submitted in writing in accordance 8:45 a.m.] with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to modify the Oceana, Va., control zone by amending § 601.2292 (14 CFR 1958 SUPP. 601.2292) to read as follows:

#### § 601.2292 (Oceana, Va., control zone.)

Within a 5-mile radius of the Oceana, Va., Naval Air Station and within 2 miles either side of the southwest course of the Oceana, Va., RR extending to a point 10 miles southwest of the RR, excluding the portion overlapping restricted areas.

Issued in Washington, D.C., on August 3, 1959.

GEORGE S. CASSADY, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6545; Filed, Aug. 7, 1959; 8:46 a.m.]

## NOTICES

## ATOMIC ENERGY COMMISSION

[Docket No. 50-138]

### CURTISS-WRIGHT CORP.

### Notice of Filing of Application for **Utilization Facility Export License**

Please take notice that Curtiss-Wright Corporation, 50 Rockefeller Plaza, New York 20, New York, has submitted an application dated June 10, 1959 for a license authorizing export of a 1000 kilowatt light water moderated nuclear reactor to the Thai Atomic Energy Commission for Peace, Bangkok, Thailand.

Pursuant to section 104 of the Atomic Energy Act of 1954, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Kingdom of Thailand, the Commission may issue a facility export license authorizing the export of the reactor to Thailand.

In its review of applications solely to authorize the export of production or utilization facilites, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 3d day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK, Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6539; Filed, Aug. 7, 1959; 8:45 a.m.]

[Docket No. 50-125]

### GENERAL DYNAMICS CORP.

## Notice of Issuance of Utilization **Facility Export License**

Please take notice that no request for a formal hearing having been filed following filing of notice of proposed action with the Federal Register Division the Atomic Energy Commission has issued license No. XR-28 to General Dynamics Corporation authorizing export of a research reactor to Escola de Engenharia da Universidade de Minas Gerais, Belo Horizonte, Brazil. The notice of proposed issuance of this license was published in the Federal Register on March 28, 1959 (24 F.R. 2566) and described the reactor as a 30-kilowatt Triga research reactor

Dated at Germantown, Md., this 3d of August 1959.

For the Atomic Energy Commission.

R. L. KIRK, Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6540; Filed, Aug. 7, 1959; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary JAMES A. BRANDT

## Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests equired by section 710(b) (6) of the Defense Production Act of 1950, as amended.

## Report of Appointment

- 1. Name of appointee: Mr. James A. Brandt. 2. Employing agency: Department of Com-Business and Defense Services Administration.
- 3. Date of appointment: \_\_\_\_\_\_.
  4. Title of position: Consultant (Advisor to the Director).

5. Name of private employer: Manager, Renewal Parts Department, Reliance Electric & Enginéering Co., Cleveland 17, Ohio.

> CARLTON HAYWARD. Director of Personnel.

JULY 6, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Dividend Shares, Inc. General Motors Corp. Olin-Mathiesen Chemical Corp. National Tool Co. Pan American Airways. Pickle Crow Mines, Limited. Reliance Electric & Engineering Co. Bank Deposits.

James A. Brandt. JULY 27, 1959.

[F.R. Doc. 59-6522; Filed, Aug. 6, 1959; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 10764; Order No. E-14311]

## NATIONAL AIRLINES, INC., ET AL.

## Order of Invesitgation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1959.

In the matter of fares proposed by National Airlines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc.; Docket No. 10764.

National Airlines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc., have filed tariffs' providing for a New York-Miami fare of \$45 one-way applicable in a new class of service. This service will be offered without restriction as to the hour of the day or day of the week. Meal service will not be provided. All three carriers will continue to offer regular day coach service (with meals) as well as night coach service in addition to the new class of service. National's tariff provides that this service will be operated with high density Constellation 1049-H aircraft. Eastern will use 1049, 1049C, DC-7B and DC-6B aircraft, and Northeast will use DC-6B aircraft, with specified minimum seating capacities. Eastern's aircraft will continue to be used in other classes of service as well as in this new service. These tariffs are marked to expire on December 10, 1959.

National has filed complaints (Docket Nos. 10688, and 10719) and has requested the suspension and investigation of the tariff proposals of Eastern and Northeast. National contends that the proposed fares of Eastern and Northeast are unjust and unreasonable since they reflect a substantial reduction from regular coach fares without a corresponding decrease in unit costs; that Eastern, in using the same aircraft in both regular coach service and the proposed new class of service, is offering substantially the same service at different fares; that Eastern's proposal thereby is unjustly discriminatory, unduly preferential and unduly prejudicial; and that the proposals of Northeast and Eastern violate established Board policy respecting the establishment of lower fare services on an economical basis.

The Board has consistently encouraged the development of lower fare services designed to attract new traffic to air transportation. The instant fare proposals of the three certificated carriers in the New York-Miami market represent a substantial reduction below existing daycoach fares which may, if successful, mark the beginning of a new low fare class of service in the United States. The Board believes that such a development may well have a significant beneficial effect in attracting new traffic to air transportation in the future and, accordingly, the instant proposals warrant our support and encouragement.

It is clear, and Board policy provides, that fares for each basic class of service be established on an economic basis. This principle is fundamental to the Board's domestic coach policy and policy statements regarding the pricing of the various classes of service in the international area. Moreover, this principle is basic to the sound development of the industry.

In view of the fact that Eastern and Northeast propose to provide this new service with aircraft with seating densities no greater than the minimum applicable to the higher-fare regular coach service, serious question is raised regarding the reasonableness of the proposed fares. On the other hand, the 107 seat L-1049-H aircraft to be used by National appears to have sufficient seating density to afford an economical basis for the proposed fare. While the Board has not reached a final conclusion with respect to the minimum seating density which should generally apply for services bearing fares at the four cents per mile level, it is clear that some increase in seating density over that prevailing in standard coach service is required. Moreover, Eastern's use of the same aircraft at different fares depending on the designation of the flight raises questions of undue preference and prejudice.

In view of these questions of the lawfulness of the fares proposed by Eastern and Northeast we find that an investigation is required. We will include in such investigation the proposal of National in view of its close relationship to those of the other carriers and the necessity for uniform treatment thereof.

We have concluded, however, not to suspend any of the instant tariff pro-

<sup>&</sup>lt;sup>1</sup> Agent Squire's C.A.B. No. 44.

The only exception is Eastern's DC-6B with 102 seats.

posals pending investigation. While the problems raised by the filings of Northeast and Eastern are substantial and fundamental, the answers thereto are by no means clear. We believe that the public interest will be better served by permitting the tariffs of Eastern and Northeast to become effective to enable all three carriers to test the attractiveness of the \$45 fare for a limited period without the necessity for extensive air-craft modification. We do not perceive any injury to the industry, nor are we persuaded that the opportunity for success of the low fare experiment will be impaired by the use of existing aircraft. Moreover, to require that limited experiments with new fares cannot be conducted with existing aircraft may inhibit the very experimentation we have always sought to encourage.

As indicated previously these tariffs expire on December 10, 1959. As the carriers begin to accumulate experience at these experimental fares, we expect they will, in a short period, firm up plans as to extension of these fares beyond December 10, 1959. Should they so intend we anticipate that immediate steps will be taken to establish adequate seating configurations. We place the carriers on notice at this time that it is our intention, should extension of these fares be sought, to require minimum seating capacities and other conditions which will assure the economic soundness of such fares and provide an adequate distinction from other classes of service.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1: An investigation be and hereby is instituted to determine whether the fares and provisions on 14th Revised Page 159, 2nd Revised Page 192-D and 11th Revised Page 211 of Agent C. C. Squire's C.A.B. No. 44, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

- 2. The complaints in Docket Nos. 10688 and 10719 be and hereby are dismissed insofar as suspension is requested.
- 3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.
- 4. Copies of this order be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCart,1 Acting Secretary.

[F.R. Doc. 59-6573; Filed, Aug. 7, 1959; 8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-14232, etc.]

## CITIES SERVICE OIL CO. ET AL. Notice of Applications and Date of Hearing

August 4, 1959.

In the matters of Cities Service Oil Company, Docket No. G-14232; Conti-nental Oil Company, Docket No. G-14237; John L. Welsh, Jr., Operator, et al.,2 Docket No. G-14238; Sohio Petroleum Company, Docket No. G-14247; Vesta Fuel Company, Well No. 5,3 Docket No. G-14272; J. M. L. Smith, et al.,4 Docket No. G-14273; Alice M. Vandergrift, et al., d/b/a Spudnik Oil and Gas, Docket No. G-14274; Anna A. Brost, et al., By Ralph A. Keller, Agent, Docket No. G-14275; William Graham Oil Company, Docket No. G-14278; H. C. Bennet, et al., Docket No. G-14282; C. L. Roberts, Docket No. G-14283; D. C. Latimer.º Docket No. G-14284; Victor Hale and Anna Lowe,10 Docket No. G-14286; NAFCO Oil and Gas, Inc., Successor to Oil and Gas Property Management, Inc., et al.," Docket No. G-14287; Magnolia Petroleum Company, Docket No. G-14324.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described. subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

Docket No., Field and Location, Purchaser

G-14232; South Lewisburg Field, Acadia-Parish, La.; United Gas Pipe Line Co. G-14237; Wemac Field, Andrews County,

Tex.; El Paso Natural Gas Co.

G-14238; Key (Powell Ranch Area) Field, Goliad County, Tex.; Texas Eastern Transmission Corp.

G-14247; South Lewisburg Field, Acadia Parish, La.; United Gas Pipe Line Co.

G-14272: Union District, Ritchie County, W. Va.: Hope Natural Gas Co.

G-14273; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.

G-14274; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G-14275; Meade District, Tyler County, W. Va.; Hope Natural Gas Co. G-14278; Hugoton Field, Seward County,

Kans.; Panhandle Eastern Pipe Line Co. G-14282; Hugoton Field, Haskell County,

Kans.; Northern Natural Gas Co. G-14283; Hugoton Field, Haskell County,

Kans.; Northern Natural Gas Co. G-14284; Maxie-Pistol Ridge Field, Pearl River County, Miss.; United Gas Pipe Line Co. G-14286; Middle Creek Field, Floyd County, Ky.; Kentucky West Virginia Gas Co.

G-14287; Block 45, Hansford County, Tex.; Panhandle Eastern Pipe Line Co. G-14324; North Healdton Field, Carter

County, Okla.; Lone Star Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

See footnotes at end of document.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington D.C., concerning the matters involved in the issues presented by such applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25 D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

#### JOSEPH H. GUTRIDE, Secretary.

<sup>1</sup> Application covers an amendatory agreement dated November 4, 1957, which adds additional acreage to a basic gas sales contract dated January 27, 1957.

<sup>2</sup> John L. Welsh, Jr., Operator, is filing for himself and on behalf of the following nonoperators: Rhodes & Hicks Drilling Corporation, Paul Hardeman, Lucille Buxley Brion, Jack Chrysler, James Helland, Roy B. Loftin and Alex W. Head. All are signatory seller parties to the subject gas sales contract.

<sup>3</sup> Vesta Fuel Company, Well No. 5, Applicant, is a partnership consisting of unnamed partners and is filing through Walter C. Crane, Partner and Agent.

<sup>4</sup> J. M. L. Smith et al., Applicant, is a partnership consisting of J. M. L. Smith, Ralph McIntyre, William Simpson, Samuel Simpson, Joseph J. Lobello, Joseph Owens and A.

E. Shoma. All are signatory seller parties to the subject gas sales contract. <sup>5</sup> Spudnik Oil and Gas, Applicant, is an association composed of Alice M. Vandergrift, Phyllis L. Thomas, Byron Vaughan, E. S. Vaughan, W. J Sayre, Winfred G. Dodson, Theodore P. Mantz, W. E. Hovey, W. T. Slicer, Jr., Walter Baker, G. A. Campbell, Earl Hardman, George Rauch, Therese Rauch, David Rauch, E. W. Potter, Harry F. Bell, M. G. Hresan, Ralph D. Gerber and Christie Vandergrift. All are signatory seller parties to the subject gas sales contract through the signatures of Alice M. Vandergrift, who has signed the contract individually and as Attorney-in-Fact for remaining co-owners.

6 Anna A. Brost is filing for herself and on behalf of Ralph A. Keller, et ux. Anna A. Brost assigned 50 percent in interest in the subject acreage to Ralph A. Keller, et ux., by instrument dated May 1, 1958. Amendment to application filed July 23, 1958, requests incorporation of provisions of the aforesaid assignment.

7 William Graham Oil Company, a partnership composed of William L. Graham and Marjorie Louise Graham, proposes to sell its share of production from certain acreage pursuant to a ratification agreement dated

<sup>&</sup>lt;sup>1</sup>The joint concurrence and dissent of Gurney, Vice Chairman, and Minetti, Member, are filed as part of the original document.

August 9, 1957 of a basic gas sales contract dated November 19, 1953, as amended, between United Producing Company, Inc., United Carbon Company, Inc. (Maryland), and Columbian Fuel Corporation, sellers, and Panhandle Eastern, buyer. The abovenamed partners and Panhandle Eastern are signatory parties to the subject ratification agreement.

\*In Docket No. G-14283, C. L. Roberts (nonoperator) proposes to sell his 50 percent share of production from the Boatright Unit No. 1 pursuant to a gas sales contract dated April 29, 1957, to which contract he is the only signatory seller party. In Docket No. G-14282, H. C. Bennett (nonoperator) is filling for himself and on behalf of the nonoperators, Sylvester Johnson, Jr. and Mace Evans, for their combined 50 percent working interest in the Boatright Unit No. 1 and proposes to sell production from said unit pursuant to a ratification agreement dated July 2, 1957 of the above-mentioned basic gas sales contract. Said nonoperators, along with Northern Natural Gas Company, have signed the ratification agreement.

<sup>9</sup> Application covers an amendatory agreement dated December 4, 1957, which dedicates additional depths (all producing horizons) to units previously dedicated under a basic gas sales contract dated August 17,

<sup>10</sup> Victor Hale and Ann Lowe are filing jointly for their interests in certain acreage and both are signatory seller parties to the subject gas sales contract.

n'Oll and Gas Property Management, Inc., Beacon Building Corporation and Joseph H. King are filing jointly for their working interests in certain acreage and all are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-6571; Filed, Aug. 7, 1959; 8:51 a.m.]

[Docket Nos. G-14947, G-15327]

## HARPER OIL CO. AND STEPHENS PETROLEUM CO.

## Notice of Applications and Date of Hearing

August 4, 1959.

Take notice that on April 21, 1958, Harper Oil Company (Harper Oil), an Oklahoma corporation with a principal office in Oklahoma City, Oklahoma, as operator for F. E. Harper (Harper) and Cornell Oil Company (Cornell), in Docket No. G-14947 and on June 20, 1958, Stephens Petroleum Company (Stephens) in Docket No. G-15327 filed applications, pursuant to section 7 of the Natural Gas Act, for:

- (1) Stephens, in Docket No. G-15327, to abandon service to Consolidated Gas Utilities Corporation (Consolidated) from the Aetna Life Insurance Company Lease (Aetna Lease) in the Chickasha Gas Field, Grady County, Oklahoma, covered by a contract dated February 20, 1953, previously accepted for filing as Stephens Petroleum Company FPC Gas Rate Schedule No. 2, now superseded by F. E. Harper (Operator), et al. FPC Gas Rate Schedule No. 1.
- (2) Harper Oil, Operator, in Docket No. G-14947 to continue service to Consolidated from the Aetna Life Lease with respect to natural gas production down to a depth of 6,600 feet thereunder. The foregoing requests are more fully

described in the applications on file with the Commission and open to public inspection.

The applications recite (1) that by instrument of assignment dated February 16, 1955, effective February 1, 1955, Stephens assigned in equal shares its interest in the Aetna Life Lease and the Aetna Life Nos. 1 and 2 Wells thereon, in addition to two other leases in the Chickasha Field, to Harper and Cornell retaining, among other things, a production payment relative to a three-fourths interest in said leases (but not in equipment appurtenant thereto), which payment will expire when Stephens shall have received a sum of \$1,000,000.00 from the sale of natural gas produced from said leases, and (2) that on June 20, 1958, Harper Oil filed copies of the contract of February 20, 1953, and the instrument of assignment dated February 16, 1955.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Joseph H. Gutride, Secretary.

[F.R. Doc. 59-6572; Filed, Aug. 7, 1959; 8:51 a.m.]

## FEDERAL RESERVE SYSTEM

BANK SHARES, INC.

#### Request for Determinations

In the matter of the requests of Bank Shares, Incorporated, for determinations under section 4(c) (6) of the Bank Holding Company Act of 1956 (Docket Nos. BHC-38, BHC-39, BHC-40, BHC-41).

Bank Shares, Incorporated, Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that the Corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed, with the hearing docket number of each, are:

A hearing having been held pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); the Hearing Examiner having filed his Report and Recommended Decision wherein he recom-mended that the above requests be denied; Applicant having filed Exceptions and Brief with respect to each request: oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's statement of this date and on the basis of the record made at the hearing in this matter, that the activities of the four above-named corporations are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's requests with respect to the said four corporations shall be, and hereby are, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN.

Secretary.

[F.R. Doc. 59-6548; Filed, Aug. 7, 1959; 8:46 a.m.]

## FIRST BANK STOCK CORP.

### Request for Determinations

In the matter of the requests of First Bank Stock Corporation for determinations under section 4(c) (6) of the Bank

No. 155---3

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

6400

Holding Company Act-of 1956 (Docket Nos. BHC-36, BHC-37).

First Bank Stock Corporation, having its principal office and place of business in Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that First Bancredit Corporation and First Service Agencies, Inc., and their activities are of the kind described in section 4(c) (6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); the Hearing Examiner having filed his report and Recommended Decision wherein he recommended that both of the above requests be denied; Applicant having filed Exceptions and Brief with respect thereto: oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's Statement 1 of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of First Bancredit Corporation are determined not to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to First Bancredit Corporation shall be, and hereby is, denied; and

2. The activities of First Service Agencies, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to First Service Agencies, Inc., shall be, and hereby is, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, Secretary.

[F.R. Doc. 59-6549; Filed, Aug. 7, 1959; 8:47 a.m.]

### **NOTICES**

#### NORTHWEST BANCORPORATION

## Request for Determinations

In the matter of the requests of Northwest Bancorporation for determinations under section 4(c) (6) of the Bank Holding Company Act of 1956 (Docket Nos, BHC-42, BHC-43, BHC-44).

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843), has filed requests for determinations by the Board of Gover-nors of the Federal Reserve System that the corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Act and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed, with the hearing docket number of each. are:

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5 (b) and 222.7(a)); the Hearing Examiner having filed his Report and Recommended Decision wherein he recommended that all three of the above requests be denied; Applicant having filed Exceptions and Brief with respect to all of the said requests; oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's Statement of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of Northwestern Mortgage Company are determined not to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Northwestern Mortgage Company shall be, and hereby is, denied; and

2. The activities of South Side Insurance Agency, Inc., and of Union Investment Company are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's requests with respect to South Side Insurance Agency, Inc., and Union Investment

Company shall be, and hereby are, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, Secretary.

[F.R. Doc. 59-6550; Filed, Aug. 7, 1959; 8:47 a.m.]

### OTTO BREMER CO.

#### Requests for Determinations

In the matter of the requests of Otto Bremer Company for determinations under section 4(e) (6) of the Bank Holding Company Act of 1956 (Docket Nos. BHC-29, BHC-31, BHC-32, BHC-33, BHC-35).

Otto Bremer Company, St. Paul, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that the corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5 (b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed with the hearing Docket Nos. of each are:

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)), the Hearing Examiner filed his Report and Recommended Decision wherein he recommended that Applicant's requests designated BHC Nos. 29, 31, 33, and 35 be approved, and that Applicant's request designated BHC No. 32 be denied unless Applicant, with the written consent of that subsidiary to which the request is related, gives proper assurance, as a condition of exemption, that the said subsidiary will cease to engage in the business of buying and selling real estate; and that, the foregoing assurance being given, such request be approved. Oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

<sup>&</sup>lt;sup>1</sup>Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

It is hereby ordered, For the reasons set forth in the Board's Statement 1 of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of Western State Agency, Inc., with the exception of its lending activities, are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Western State Agency, Inc., shall be, and hereby is, granted on the condition that Western State Agency, Inc., takes appropriate action to discontinue its lending activities within a reasonable period of time; and

2. The activities of Citizens Agency, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that act, and, therefore, Applicant's request with respect to Citizens Agency, Inc., shall be, and hereby

is, granted; and

3. The insurance activities of Willmar Investment Company are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; the remaining activities of Willmar Investment Company, with the exception of its real estate business activities, do not bar that company from exemption under section 4(c)(6); and, therefore, Applicant's request with respect to Willmar Investment Company shall be, and hereby is, granted on the condition that within a reasonable period of time the real estate business activities of that

4. The insurance activities of Drovers Exchange Agency & Realty, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; the remaining activities of Drovers Exchange Agency & Realty, Inc., do not bar that company from exemption under section 4(c)(6); and, therefore, Applicant's request with respect to Drovers Exchange Agency & Realty, Inc., shall be, and hereby is, granted; and

company be discontinued; and

5. The activities of New England Insurance Agency, with the exception of its real estate business activities, are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; and, therefore Applicant's request with respect to New England Insurance Agency, shall be, and hereby is, granted on the condition that within a reasonable period of time, New England Insurance Agency ceases to engage in its real estate business activities.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

SEAT.

MERRITT SHERMAN. Secretary.

[F.R. Doc. 59-6551; Filed, Aug. 7, 1959; 8:48 a.m.]

## **SECURITIES AND EXCHANGE** COMMISSION

[File No. 7-2010]

### **AUTOMATIC CANTEEN COMPANY** OF AMERICA

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Automatic Canteen Company of America, common stock, File No. 7-2010.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-6560; Filed, Aug. 7, 1959; 8:50 a.m.1

[File No. 7-1998]

### LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., common stock, File No. 7-1998.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F.R. Doc. 59-6561; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2001]

### LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7-2001.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he

Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

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proposed to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-6562; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 812-1233]

### COMBINED METALS, INC.

## Notice of Filing of Application Requesting Exemption

AUGUST 3, 1959.

Combined Metals, Inc., a registered closed-end, nondiversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting it, upon stipulated conditions, from the reporting requirements of section 30 of the Act and from the necessity of filing a registration statement as required by section 8(b) of the Act.

Applicant filed a notification of registration as an investment company on December 23, 1942 (File No. 811-476). Its only assets then and thereafter have consisted of 2,000 shares (the total outstanding) of Preference Stock of Combined Metals Reduction Company ("Reduction") whose principal business is the development, milling and treatment of mineralized ores. Such preferred stock is entitled to 10 percent of Reduction's earnings in excess of \$50,000 per year after depreciation, depletion and taxes. Applicant states that since 1952 Reduction has had no profitable years and that it has received no dividends on Reduction Preference Stock since that time. In view of its substantially complete inactivity, Applicant states that compliance with the requirements of sections 8 and 30 of the Act would be an unnecessary burden and would not be of benefit to its investors or in the public interest.

In support of the requested relief Applicant has agreed that it will send ananual reports to its stockholders and will file with the Commission annual reports as required by the Securities Exchange Act of 1934 and that the exemption herein, if granted, shall terminate thirty days after such time, if any, as Applicant shall engage in any significant transaction.

Section 6(e) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision

or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 19, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest. the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-6567; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2002]

#### LOEW'S THEATRES, INC.

## Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7-2002.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-6563; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2006]

#### LOEW'S THEATRES, INC.

## Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7-2006.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York

Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-6564; Filed, Aug. 7., 1959;

[File No. 7-2008]

## THIOKOL CHEMICAL CORP.

## Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Thiokol Chemical Corporation, Common Stock, File No. 7–2008.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges

in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L#DUBOIS, Secretary.

[F.R. Doc. 59-6565; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2009]

#### CHOCK FULL O'NUTS CORP.

## Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Chock Full O'Nuts Corporation, Common Stock, File No. 7–2009.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F.R. Doc. 59-6566; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 24B-963]

## SECURITY FINANCE PLAN, INC.

### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 3, 1959.

I. Security Finance Plan, Inc. (issuer), 73 North Street, Pittsfield, Massachusetts, filed with the Commission on January 23, 1957 a notification on Form I-A and an offering circular, and filed amendments thereto, relating to an offering of its 7 percent subordinate capital debentures, to be issued in denominations of \$100 and multiples thereof, for an aggregate offering of \$75,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to file an amended offering circular, as required by Rule 256(e);

2. The issuer has failed to file a current report of sales on Form 2-A, as required by Rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The use of financial statements examined by a public accountant not independent from the management of the issuer:

2. The failure to disclose the current financial status of the issuer.

C. The offering would be made in violation of section 17 of the Securities Act, as amended.

III. It is ordered, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the

Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 59-6568; Filed, Aug. 7, 1959; 8:50 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 164]

## MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62369. By order of July 29, 1959, Division 4, approved the transfer to Capital Transit, a New Jersey corporation, Trenton, N.J., of Certificates Nos. MC 8504, MC 8504 Sub 2, MC 8504 Sub 5, and MC 8504 Sub 7, issued June 2, 1942, June 16, 1941, December 19, 1946, and September 30, 1952, respectively, to Trenton Transit, a New Jersey corporation, Trenton, N.J., authorizing the transportation of: Passengers and their baggage, with certain restrictions, from points in Mercer County, N.J., to District of Columbia, and points in Connecticut, Delaware, Maryland, Massa-chusetts, New York, Ohio, Pennsylvania, Rhode Island, and Virginia, and return; from Bordentown, N.J., to New York, N.Y., and points in Pennsylvania, and return; from New Hope, Pa., and points in Pennsylvania to New York, N.Y., and New Jersey, and return; passengers and their baggage, and mail and newspapers between Trenton, N.J., and Fort Dix, N.J.; passengers and their baggage over an alternate route between junction U.S. Highway 206 and Georgetown Road and the Military Reservation at Fort Dix, N.J.; and passengers and their baggage between specified points in New Jersey and the Fairless Works, United States Steel Co., Falls Township, Pa., and all intermediate points in New Jersey. Walter S. Anderson, attorney, 130 North Broadway, Camden 2, N.J.

[SEAL] HAROLD D. McCOY, Secretary,

[F.R. Doc, 59-6557; Filed, Aug. 7, 1959; 8:49 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 4, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 35608: Iron and steel articles—Birmingham, Ala., group to Corpus Christi, Tex. Filed by Southwestern Freight Bureau, Agent (No. B-7606), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application from Bessemer, Birmingham, Ensley, Fairfield, and

North Birmingham, Ala., to Corpus Christi, Tex.

Grounds for relief: Competition of carriers by barge.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 35609: Scrap iron or steel—Chicago, Ill., to Calvert, Ky. Filed by Illinois Freight Association, Agent (No. 69), for and on behalf of the Illinois Central Railroad Company. Rates on iron or steel scrap, namely grindings, in carloads, from Chicago, Ill., to Calvert,

Grounds for relief: Competition of

carriers by barge.

Tariff: Supplement 99 to Illinois Freight Association tariff I.C.C. 855.

FSA No. 35610: Grains-Western Trunk Line territory to Gulf ports., Filed by

Western Trunk Line Committee, Agent (No. A-2077), for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in bulk, in carloads, from points in Iowa, Minnesota, and Wisconsin, to New Orleans, La., and other named Gulf ports, for export and coastwise movement.

Grounds for relief: Port equalization with Baltimore, Md.

Tariffs: Supplement 28 to the Chicago and North Western Railway Company's tariff I.C.C. 11298 and other schedules of individual lines listed in the application.

By the Commission.

HAROLD D. McCoy, [SEAL] Secretary.

[F.R. Doc. 59-6507; Filed, Aug. 6, 1959; 8:47 a.m.]

## **CUMULATIVE CODIFICATION GUIDE—AUGUST**

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

S CFR         3305	age
Proclamations:         3305         6224         6241         1010         65           3305         230         1885         6223         6243         1011         65           Dec. 30, 1885         6243         6316         1         6191, 6192, 6197         60         6388         514         514         6191, 6192, 6197         60         6388         514         6101         6388         514         6101         6383         6101         6388         6101         6388         6101         6388         6101         6388         6101         6388         6101         6388         6101         6388         6101         6388         66         6389	
3305	
Dec. 30, 1895	308
Dec. 30, 1895	
June 5, 1919 6316 3797-A 6316 3797-A 6316 3797-A 6316 5 CFR 6 6316 6 6316 5 CFR 6 623, 6225, 6327 39 6 6295 6 6 6393 39 6295 6 6 6393 311 620 31 620 31	312
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